

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PATTY BEALL, MATTHEW MAXWELL,	\$
DAVID GRAVLEY, TALINA MCELHANY,	\$
KELLY HAMPTON, CASEY BROWN,	\$
JASON BONNER, ANTHONY DODD,	\$
ILENE MEYERS, TOM O’HAVER,	\$
JOY BIBLES, AND MELISSA PASTOR,	\$
Individually and on behalf of all others	\$
similarly situated;	\$

Plaintiffs,

**TYLER TECHNOLOGIES, INC. AND
EDP ENTERPRISES, INC.**

Defendants.

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2:08-cv-422 TJW

**PLAINTIFFS' MOTION TO EXTEND DEADLINE FOR PLAINTIFFS TO RESPOND
TO DEFENDANTS' MOTION TO DECERTIFY CLASS**

Plaintiffs, Patty Beall, Matthew Maxwell, David Gravley, Talina McElhany, Kelly Hampton, Casey Brown, Jason Bonner, Anthony “Tony” Dodd, Ilene Meyers, Tom O’Haver, Joy Bibles, and Melissa Pastor, on behalf of themselves and all others similarly situated, current and former employees of Defendants, Tyler Technologies, Inc. and/or EDP Enterprises, Inc., file this their Motion to Extend Plaintiffs deadline to respond to Defendants’ Motion to Decertify class, and would show the Court as follows:

I. INTRODUCTION

1.1 The Plaintiff sought and was granted a seven (7) day extension of the Court's standard fourteen (14) day deadline for challenging Defendant's Motion to Decertify the class. The Court granted the extension and Plaintiff's new deadline to file a response to Defendants' Motion to Decertify Class is October 15, 2010. (D.N. 141).

II. ARGUMENT

2.1 The Court may grant a request to extend time for good cause. Fed. R. Civ. P. 6(b)(1)(A).

2.2 Since the court granted the extension, Plaintiffs' counsel, Chandra Holmes has been unable to participate in preparing Plaintiff's Response to Defendant's Motion to Decertify class due to a family medical emergency.

2.3 Ms. Holmes is one of the key attorneys that has been closely working on this matter. Ms. Holmes has defended twelve (12) depositions and participated in taking the depositions of Defendant's corporate representatives.

2.4 Additionally, Laureen Bagley, is currently set for trial in *Delain Scott, Individually and as Next Friend of Kayden Accardo v. Dorel Industries, Inc., et al*; Civil Action No. 3:09-cv-0799-K; In the United States District Court, Northern District of Texas, Dallas Division, on November 1, 2010 with pretrial disclosures due on October 18, 2010. Mrs. Bagley has defended twenty-nine (29) of the forty-one (41) depositions and participated in taking the depositions of Defendant's corporate representatives.

2.5 Furthermore, Defendants' Motion to Decertify Class and Brief in Support consists of thirty-six (36) pages with an additional four hundred and thirty-three (433) pages in exhibits.

2.6 The court may grant a request to extend the response time on a showing of good cause. Even if no good cause is shown, the court has discretion to extend the time for Plaintiffs' to respond to Defendant's Motion to Decertify class.

2.7 Plaintiffs ask the court to grant an extension for Plaintiffs' to respond to Defendants' Motion to Decertify class an additional twenty-four (24) days. Defendants, Tyler Technologies, Inc.

and/or EDP Enterprises, Inc., are unopposed to a seven (7) day extension.

2.8 Plaintiff's request to extend time is for good cause and is not intended to delay these proceedings. See Fed. R. Civ. P. 6(b)(1)(A). The requested extension will not affect the current trial setting.

CONCLUSION

_____ For these reasons, Plaintiffs request that the Court grant Plaintiffs Motion to Extend Plaintiffs deadline to respond to Defendants' Motion to Decertify Class to November 8, 2010, so as not to prejudice the potential class members.

Respectfully submitted,

SLOAN, BAGLEY, HATCHER & PERRY
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that on October 13, 2010, I conferred with Defense Counsel, Paulo McKeeby, via email and telephone regarding Plaintiff's Motion to Extend Deadline for Plaintiffs to Respond to Defendants' Motion to Decertify Class. After discussing the Motion, Defense counsel advised that he was opposed to the Motion, but was agreeable to a seven day extension..

By: /s/ Laureen F. Bagley
LAUREEN F. BAGLEY

CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of October, 2010, a true and correct copy of this document was sent via electronic mail to the following:

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By: /s/ Laureen F. Bagley
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